



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,821	11/20/2001	Ronald J. Vidal	1757.0260001	8685

7590 07/30/2003

HOMER I. KNEARL  
MERCHANT & GOULD P.C.  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3673

DATE MAILED: 07/30/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/988,821

Applicant(s)

VIDAL ET AL.

Examiner

M. Safavi

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3673

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 6, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each of claims 5 and 20 recite “the Continental Shelf” when the term to “continental Shelf” does not appear to have an antecedent within the claim language. It is not clear as to what, specifically, Applicant intends with the recitation of “the Continental Shelf”.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morishige in view of Peterson.

Morishige discloses, Figs. 38, 42, and 44, for example, installing a plurality of ducts and cables 6032-6036 extending from one onshore first point to an offshore point or “offshore

Art Unit: 3673

termination point”, as at or along 6013 or any point of 6002 extending along the seabed, as well as from another onshore second point to an or the same offshore point.

Peterson discloses installation of a plurality of ducts and cables from one onshore first point to an offshore point, or “offshore termination point”, as well as from another onshore second point to an or the same offshore point, col. 1, lines 37-47; col. 2, lines 16-23; col. 3, lines 57-65; 6, lines 36-43; and co. 6, line 57 to col. 7, line 6. The ducts or cables may be placed from onshore to offshore or from offshore to onshore. The offshore point, or “offshore termination point”, can be an offshore platform and may extend several kilometers including up to and more than 50 kilometers from the shore, col. 3, lines 57-65. In both Morishige and Peterson the extension of the ducts and cables can be seen as spanning a shallow region as well as a relatively deep region of water which would inherently include a continental shelf portion of an ocean floor.

To have extended the ducts and cables of Morishige from either onshore point to offshore point or visa versa for as much as at least 2 kilometers and up to about 20 kilometers from either onshore point to an offshore point as well as span a continental shelf in the process with the depth of an offshore point being at or less than 200 meters, thus covering all offshore intervals which would be included within a onshore to onshore span, (i.e., including all depths, lengths, and formations within the span of water), would have constituted an obvious expedient to one having ordinary skill in the art at the time the invention was made in view of Peterson with Peterson disclosing the flexibility or adaptability of either direction of point to point installation.

Art Unit: 3673

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Morishige.

Peterson discloses installation of a plurality of ducts and cables from one onshore first point to an offshore point, or “offshore termination point”, as well as from another onshore second point to an or the same offshore point, col. 1, lines 37-47; col. 2, lines 16-23; col. 3, lines 57-65; 6, lines 36-43; and co. 6, line 57 to col. 7, line 6. The ducts or cables may be placed from onshore to offshore or from offshore to onshore. The offshore point, or “offshore termination point”, can be an offshore platform and may extend several kilometers including up to and more than 50 kilometers from the shore, col. 3, lines 57-65.

Morishige discloses, Figs. 38, 42, and 44, for example, installing a plurality of ducts and cables 6032-6036 extending from one onshore first point to an offshore point or “offshore termination point”, as at or along 6013 or any point of 6002 extending along the seabed, as well as from another onshore second point to an or the same offshore point. In both Morishige and Peterson the extension of the ducts and cables can be seen as spanning a shallow region as well as a relatively deep region of water which would inherently include a continental shelf portion of an ocean floor.

To have extended the ducts and cables of Peterson for as much as at least 2 kilometers and up to about 20 kilometers from either onshore point to an offshore point as well as span a continental shelf in the process with the depth of an offshore point being at or less than 200 meters, thus covering all offshore intervals which would be included within an onshore to

Art Unit: 3673

onshore span, (i.e., including all depths, lengths, and formations within the span of water), would have constituted an obvious expedient to one having ordinary skill in the art at the time the invention was made in view of Morishige as well as in view of the noted disclosure by Peterson.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2168.



MICHAEL SAFAVI  
Patent Examiner

M. Safavi  
July 28, 2003